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6 Attorneys for Defendants
CLUCK UNIVERSITY CHICKEN OF PALO ALTO, LP, d/b/a
7 UNIVERSITY CHICKEN SANTA CLARA, LP; UC RESTAURANT
MANAGEMENT, INC.; UNIVERSITY CHICKEN, INC.; UNIVERSITY
8 CHICKEN FRESNO, LP; UNIVERSITY CHICKEN SAN JOSE, LLC;
9 CLUCK UNIVERSITY CHICKEN OF SAN JOSE, LP and MICHAEL C.
BORNEO

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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14 CLUCK-U, CORP.,
a Maryland corporation,

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Plaintiff,

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v.

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CLUCK UNIVERSITY CHICKEN OF PALO
ALTO, LP, d/b/a UNIVERSITY CHICKEN
SANTA CLARA, a California limited
partnership; CLUCK UNIVERSITY CHICKEN
OF SAN JOSE, LP, a California limited
partnership; UC RESTAURANT
MANAGEMENT, INC., a California
corporation; UNIVERSITY CHICKEN, INC., a
California corporation; UNIVERSITY
CHICKEN FRESNO, LP, a California limited
partnership; UNIVERSITY CHICKEN SAN
JOSE, LLC, a California limited liability
company; Michael C. Borneo, an individual; and
DOES 1-50, inclusive,

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Defendants.

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CASE NO. C07-04986 EMC

**STIPULATION AND [PROPOSED]
ORDER TO DISMISS CLUCK
UNIVERSITY CHICKEN OF SAN JOSE,
LP WITHOUT PREJUDICE AND
TOLLING AGREEMENT**

1 All parties, by and through their respective counsel, hereby stipulate to dismiss Cluck
 2 University Chicken of San Jose, LP without prejudice and to toll the statute of limitations as to
 3 Cluck University Chicken of San Jose, LP in the above-referenced matter as follows:

4 IT IS HEREBY STIPULATED by and between all parties, by and through their respective
 5 counsel, that plaintiff Cluck-U Corporation shall dismiss Cluck University Chicken of San Jose, LP
 6 without prejudice;

7 IT IS HEREBY FURTHER STIPULATED by and between all parties, by and through their
 8 respective counsel, that any defense based on the passage of time as to Cluck University Chicken of
 9 San Jose, LP shall be tolled as of the date of this stipulation.

10 Dated: December 5, 2007

HAYES DAVIS BONINO ELLINGSON
 McLAY & SCOTT, LLP

11 By 

12 STEPHEN P. ELLINGSON
 13 JAMIE A. RADACK
 14 Attorneys for Defendants
 15 CLUCK UNIVERSITY CHICKEN OF PALO
 16 ALTO, LP, d/b/a UNIVERSITY CHICKEN
 17 SANTA CLARA, LP; UC RESTAURANT
 18 MANAGEMENT, INC.; UNIVERSITY
 19 CHICKEN, INC.; UNIVERSITY CHICKEN FRESNO,
 20 LP; UNIVERSITY CHICKEN SAN
 21 JOSE, LLC; and MICHAEL C. BORNEO

22 Dated: December 4, 2007

LARIVIERE, GRUBMAN & PAYNE, LLP

23 By: 

24 ROBERT W. PAYNE
 25 ALAN E. ENGLE
 26 NICOLE A. SMITH
 27 CHRISTOPHER J. PASSARELLI
 28 Attorney for Plaintiff
 CLUCK-U CORP.

1 **[PROPOSED] ORDER**

2 Pursuant to the parties' stipulation, Cluck University Chicken of San Jose, LP shall be
3 dismissed from this action without prejudice.

4 Dated: 12/14
5 , 2007



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UNITED STATES DISTRICT COURT JUDGE

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